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VESTA STRATEGIES, LLC; Third Party
Defendant SINGLE SITE SOLUTIONS
CORPORATION; Third Party Defendant
JOHN TERZAKIS; Third Party Defendant
B&B SPARCO PROPERTIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VESTA STRATEGIES, LLC,

Plaintiff,

v.

ROBERT E. ESTUPINIAN, GINNY
ESTUPINIAN, MUTUAL VISION, LLC,
MILLENNIUM REALTY GROUP,
VESTA REVERSE 100, LLC, VESTA
CAPITAL ADVISORS, LLC, and
CAROL-ANN TOGNAZZINI,

Defendants.

CAROL-ANN TOGNAZZINI,

Counter-Claimant,

v.

VESTA STRATEGIES, LLC,

CASE NO. C 07-06216 JW RS

**[PROPOSED] ORDER GRANTING (A)
PLAINTIFF/COUNTER DEFENDANT
VESTA STRATEGIES, LLC'S AND THIRD
PARTY DEFENDANT JOHN TERZAKIS'
SPECIAL MOTION TO STRIKE
PURSUANT TO THE CALIFORNIA ANTI-
SLAPP STATUTE AND FOR ATTORNEYS'
FEES AND COSTS; AND (B)
PLAINTIFF/COUNTER DEFENDANT
VESTA STRATEGIES, LLC'S AND THIRD
PARTY DEFENDANT JOHN TERZAKIS'
MOTION TO DISMISS**

**Date: June 9, 2008
Time: 9:00 a.m.
Department: Room 8, 4th Floor, SJ
Judge: James Ware**

Counter Defendant.

CAROL-ANN TOGNAZZINI,

Third Party Plaintiff,

v.

JOHN TERZAKIS,

Third Party Defendant.

Before the Court are: (1) Plaintiff/Counter Defendant Vesta Strategies, LLC's and Third Party Defendant John Terzakis' Special Motion to Strike Defendant/Third Party Plaintiff Carol-Ann Tognazzini's ("Tognazzini") Claim for Libel and Slander Pursuant to the California Anti-SLAPP Statute and for Attorneys' Fees and Costs ("Vesta Strategies' and Terzakis' Special Motion to Strike") and (2) Plaintiff/Counter Defendant Vesta Strategies, LLC's and Third Party Defendant John Terzakis' Motion to Dismiss Tognazzini's Counterclaims and Third Party Claims ("Vesta Strategies' and Terzakis' Motion to Dismiss"). (*See* Docket Item No. ____). Based on the papers submitted to date and for good cause appearing, the Court ORDERS that:

1. Vesta Strategies' and Terzakis' Special Motion to Strike is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and the California Anti-SLAPP Statute, CAL. CIV. P. CODE § 425.16, *et seq.*

2. Vesta Strategies' and Terzakis' Motion to Dismiss is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6).

3. Tognazzini shall pay Vesta Strategies and Terzakis their respective attorneys' fees and costs in connection with Vesta Strategies' and Terzakis' Special Motion to Strike.

Dated: _____, 2008

JAMES WARE
United States District Judge